

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MITCHELL BRATHWAITE,

Plaintiff,

-against-

JEFFREY ZIMMERMAN (JUDGE) works
DMC 161 Bx 11-15-2021,

Defendant.

1:23-CV-1365 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 5, 2023, the Court granted Plaintiff, who appears *pro se*, 60 days' leave to file an amended complaint. That order specified that failure to respond would result in dismissal of this action, and that the Court would dismiss Plaintiff's claims under federal law for failure to state a claim upon which relief may be granted and decline to consider, under the Court's supplemental jurisdiction, Plaintiff's claims under state law. Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action. The Court dismisses Plaintiff's claims under federal law for failure to state a claim upon which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and declines to consider, under the Court's supplemental jurisdiction, Plaintiff's claims under state law, *see* 28 U.S.C. § 1367(c)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: August 15, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge